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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,018	08/30/2001	Huang-Tsun Chen	4444-0245PUS1	9516
2292 7590 05/17/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER AGGARWAL, YOGESH K	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 05/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

09/943,018

Applicant(s)

CHEN ET AL.

Examiner

Yogesh K. Aggarwal

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Niwa (US Patent # 6,538,692).

[Claims 1 and 2]

Niwa teaches a method for providing a continuous store function for a digital multi-media input device wherein the multi-media input device is a digital camera (col. 5 lines 26-39, figure 2, element 2), comprising continuously detecting a plurality of objects to let a multimedia detecting means (figure 2, element 2) continuously acquire a plurality of multi-media data (col. 5 lines 13-18, figure 2, element 100); continuously processing said multi-media data by a multimedia processing means (col. 5 lines 29-34, figure 2, element 6), wherein said multi-media data are continuously transmitted from said multi-media detecting means to said multi-media processing means (See figure 2); and storing processed said multi-media data in an external storing means (figure 2, element 12) and a buffering means (figure 2, element 24), wherein the operation of both said external storing means and said buffering means are controlled by a storage controlling means (figure 2, element 28), said multi-media data only are transmitted in said buffering means while said external storing means being unavailable to storage any said multi-media data which are transmitted from said multi-media processing means (col. 6 lines 56-67).

Art Unit: 2622

[Claim 3]

Niwa teaches wherein possible reasons which let said external storing means be unavailable to storage any said multi media data comprising the quota of said external storing means is full, said external storing means being exchanged (col. 5 lines 63-67, col. 6 lines 1-27). The external recording medium is full is being read as being failed to write.

[Claim 4]

Niwa teaches continuously storing partial said multi-media data which transmitted from said multi-media means only into said external storing means while said external storing means being available to store any recently inputted said multi-media data (col. 5 lines 63-67, col. 6 lines 1-5); continuously storing partial said multi-media data which transmitted from said multi-media means only into said buffering means while said external storing means being unavailable to store any recently inputted said multi-media data (col. 6 lines 6-14); and continuously storing partial said multi-media data which transmitted from said multi-media means only into said external storing means while said external storing means being available again to store any recently inputted said multi-media data, besides, all said multi media data which are stored in said buffering means also are totally transmitted into said external storing means (col. 6 lines 15-27).

[Claim 5]

Niwa teaches continuously storing partial said multi-media data which transmitted from said multi-media means into both said external storing means and said buffering means while said external storing means being available to store any recently inputted said multi-media data (col. 6 lines 34-55); continuously storing partial said multi-media data which transmitted from said

Art Unit: 2622

multi-media means only into said buffering means while said external storing means being unavailable to store any recently inputted said multi-media data (col. 6 lines 6-14); and continuously storing partial said multi-media data which transmitted from said multi-media means into both said external storing means and said buffering means while said external storing means being available again to store any recently inputted said multi-media (col. 6 lines 15-27).

[Claims 9, 10, 15-17]

These are apparatus claims corresponding to method claims 1-5 respectively. Therefore they have been analyzed and rejected based upon the method claims 1-5.

[Claim 11]

Niwa teaches the multi-media detecting means as a CCD (figure 2, element 2).

[Claim 12]

Niwa teaches the multi-media processing means 6 a variable length-coding device, which is a processor.

[Claim 13]

Niwa teaches the external storing means to be an IC card (memory stick etc., col. 2 lines 27-29)

[Claim 14]

Niwa teaches the internal memory to be a semiconductor memory, which can be broadly read as a DRAM or flash memory (col. 2 lines 29-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2622

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (US Patent # 6,538,692) in view of Ogino (US Patent # 5,852,467).

[Claim 6]

Niwa does not explicitly teach wherein “said partial said multi-media data which transmitted from said multi-media means are synchronously stored into both said external storing means and said buffering means while said external storing means being available to store any recently inputted said multi-media data”. However Ogino teaches that data can be stored into both internal and external memories (col. 4 lines 9-12). Therefore taking the combined teachings of Niwa and Ogino, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have stored data into both internal and external memories in order to have two copies. The benefit of doing so would be to so that the data loss can be prevented accidentally if the user erases one copy.

[Claim 18]

This is an apparatus claim corresponding to method claim 6. Therefore it has been analyzed and rejected based upon the method claim 6.

5. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (US Patent # 6,538,692), Ogino (US Patent # 5,852,467) and in further view of Ogawa (US Patent # 6,415,107).

[Claim 7]

Niwa in view of Ogino does not teach “after the quota of partial said multi-media data which are stored in said buffering means exceeds a predetermined quota, partial said multi-media data

Art Unit: 2622

which are stored in said buffering means being removed to let recently transmitted partial said multi-media data from said multi-media processing means can be stored in said buffering means". However Ogawa teaches that when the internal memory is full the data is transferred into an external memory (col. 9 lines 11-22). Therefore taking the combined teachings of Niwa, Ogino and Ogawa, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to store the data in the external memory when the internal memory is full in order to prevent the loss of data. The benefit of doing so would be to prevent the loss of data in the case of overflow of data from the internal memory. Official notice is taken of the fact that the step of removal of data from the internal memory to the external memory in accordance with first-in and first-out is a matter of design choice in order to remove the data in a particular sequence. Other well known methods can be used like LIFO etc.

[Claim 19]

This is an apparatus claim corresponding to method claim 7. Therefore it has been analyzed and rejected based upon the method claim 7.

6. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (US Patent # 6,538,692) in view of Ogawa (US Patent # 6,415,107).

[Claim 8]

Niwa teaches external storing means being available to store said multi-media data, said multi-media data which are transmitted from said multi-media processing means being directly transmitted into said buffering means and indirectly transmitted into said buffering means in sequence to let recently transmitted partial said multi-media data from said multi-media processing means to be stored in said buffering means (col. 6 lines 6-27).

Art Unit: 2622

Niwa does not teach, "wherein any said multi-media data which are stored in said buffering means and exceeds a predetermined quota are removed into said external storing means".

However Ogawa teaches that when the internal memory is full the data is transferred into an external memory (col. 9 lines 11-22). Therefore taking the combined teachings of Niwa and Ogawa, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to store the data in the external memory when the internal memory is full in order to prevent the loss of data. The benefit of doing so would be to prevent the loss of data in the case of overflow of data from the internal memory. Official notice is taken of the fact that the step of removal of data from the internal memory to the external memory in accordance with first-in and first-out is a matter of design choice in order to remove the data in a particular sequence. Other well known methods can be used like LIFO etc.

[Claim 20]

This is an apparatus claim corresponding to method claim 8. Therefore it has been analyzed and rejected based upon the method claim 8.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i. US Patent # 5,956,084.
- ii. US Patent # 5,581,311.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 13, 2007

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a horizontal line underneath.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600